

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Western District of Texas

United States of America

v.

Kevin Anthony LUNA

Case No.

P:13-MJ-630

*Defendant(s)*

FILED

AUG 21 2013

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASBY MB  
DEPUTY CLERK

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 31 through August 5, 2013 in the county of Pecos in the  
Western District of Texas, the defendant(s) violated:*Code Section*

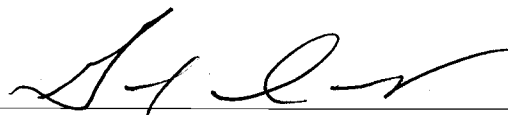
18 USC 2422(b)

*Offense Description*

The Defendant did Knowingly and Intentionally attempt to Entice an individual who had not attained the age of 18 years to engage in sexual activity.

This criminal complaint is based on these facts:

Continued on Attachment "A".

☒ Continued on the attached sheet.*Complainant's signature*

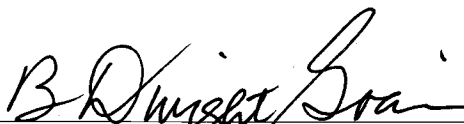
Garry Scroggs

HSI/B.E.S.T. Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date:

8/21/2013*Judge's signature*

City and state:

Alpine, Texas

B. Dwight Goains; US Magistrate Judge

*Printed name and title*

On August 10, 2013, Border Enforcement Security Task Force (BEST) Big Bend was sorting through evidence from a search warrant served on August 9, when they discovered sexually explicit text messages between Kevin Anthony LUNA, an 18 year old USC, and a 14 year old female (from this point forward referred to as "CV").

Agents witnessed text messages between LUNA and CV starting July 31, 2013. On August 1, 2013, LUNA asked CV in a text message "...but you won't make love to me?" CV stated "I would if we had another chance, I was scared.." LUNA replied "If I make a chance tonight will you let me", to which CV replied "Im in Odessa though... Can we try next weekend or something?" These messages indicate that LUNA is making plans to have sex with CV.

Later in the text messages LUNA tells CV "Send me a pic of you". CV replies "Ok hold on" and sends a self-taken picture of herself where she is fully clothed and the picture only shows her from the chest up. LUNA replies "When you gonna send me a sexy pic", to which CV replies "Like?" LUNA states "You know". CV replies to this by saying "Oh okay, and maybe later". Later that night CV tells LUNA "Send me a picture of you", to which LUNA replies "Im waiting for yours". At this point CV send LUNA another self-taken picture of herself in the bathroom wearing a sports bra and small spandex shorts. Later that night (now August 2, 2013) LUNA replies to this picture saying "I was asking for a complete sexy one". CV tells LUNA "Send me one of you first", to which LUNA replies "Ive been asking you for one for a long time". CV states "Ive send you so many & you can't bother to send one??" LUNA replies to this by saying "Are you gonna send one or not" and then approximately 15 minutes later LUNA send another text message that states "I guess not". LUNA asks CV for a picture for several days until August 5, 2013, when LUNA sends a message that says "So Im assuming Im never getting my pic". CV tells LUNA "I don't want you to show anybody please...." LUNA states "Im not you know I wouldn't" and also sends another message to CV stating "They better be good". CV tells LUNA "Im only doing one" and LUNA replies "K". At this point CV sends LUNA another self-taken picture of her in the bathroom completely nude. CV asks LUNA "Did you get it?" LUNA replies "Yea I got it". There are a couple more messages from CV after this, but there are no more messages stored on LUNA's phone from him to CV.